

Application Serial No. 10/626,078  
Reply to Office Action of December 6, 2005

PATENT  
Docket: CU-3243

### **REMARKS/ARGUMENTS**

A response to the Office Action mailed December 6, 2005 was faxed to the USPTO on January 25, 2006. A Notice of a Non-Compliant Amendment was mailed to the applicant's representative on February 2, 2006. The Notice of a Non-Compliant Amendment was sent because the new Abstract did not include markings that identified text that was deleted and text that was added. The Notice of a Non-Compliant Amendment provided a thirty-day period in which to reply to the notice without having to pay a fee for an extension of time in which to respond. Since this amendment is being faxed to the USPTO on February 14, 2006, it is being filed within the aforementioned thirty-day period. No fee is required.

A new Abstract is being submitted herewith, which marks deleted text as struck through. New text is shown underlined.

The remainder of this amendment and response is otherwise identical to the amendment and response sent to the USPTO on January 25, 2006. Entry of this amendment is respectfully requested.

In the Office Action mailed December 6, 2005, claim 1 was provisionally rejected as being unpatentable over claims 1-8 of co-pending application number 10/620,736 on the grounds of non-statutory obviousness-type double patenting. In order to overcome this rejection, the applicant has authorized the undersigned to file a terminal disclaimer with respect to claim 1 and the co-pending claims. The Examiner's attention is therefore directed to the accompanying terminal disclaimer.

Still referring to the Office Action mailed December 6, 2005, the Examiner objected to the Abstract as being too long. The new Abstract submitted above, has 98

Application Serial No. 10/626,078  
Reply to Office Action of December 6, 2005

PATENT  
Docket: CU-3243

words and is therefore within the allowable range of 50 to 150 words.

The Examiner also correctly noted that on page 14, line 1, the term "byunhooking" should have been typed as "by unhooking." New paragraph [0046] above corrects this obvious typographical error.

Claims 1 and 12 were objected to for using a term for which there was no antecedent basis. In particular, the Examiner contends that both claims 1 and 12 use the term "the exhaust port of the cyclone type dust collector."

The preamble of claim 1 has been amended to provide antecedent basis to the term that is subsequently recited in the claim text. After carefully reviewing claim 12, however, the objected-to term was not located. The Applicant nevertheless amended claim 12 to clarify that the "exhaust port" is recited as being part of the cyclone type dust collecting apparatus.

Claim 1 was provisionally rejected on the basis of nonstatutory obviousness-type double patenting. The Examiner contends that there is no patentable difference between claim 1 of this application and claims 1-8 of co-pending application serial number 10/620,736.

In order to overcome the Examiner's provisional rejection, the Applicant agrees that it will file a terminal disclaimer for claim 1 of this application upon allowance of the co-pending claims in application serial number 10/620,736.

Claims 1, 6-10, 12 and 17-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over published application number 2001/0025395 to Matsumoto et al. in combination with U.S. patent 2,976,558. Claims 2-5, 11 and 13-16 were objected to as

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being dependent on a rejected base claim but allowable if rewritten in independent form to include all limitation of the base claim and any intervening claims.

Claim 2 has been cancelled and its limitations have been added to claim 1.

Claim 13 has been cancelled and its limitations added to claim 12. Since claims 2 and 13 were held to be allowable, and since the limitations of these claims are now part of claims 1 and 12 respectively, claims 1 and 12 are therefore now in condition for allowance.

Since claims 1 and 12 have been amended to overcome the prior art rejection, the remaining claims that depend from them, and which narrow them further are therefore allowable as well.

Reconsideration of the pending claims is respectfully requested.

Respectfully submitted,

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